

**DRAFT MINUTES
OFF-ROAD VEHICLE (ORV) TRAILS ADVISORY BOARD MEETING
Holiday Inn Lansing South
6820 South Cedar Street
Lansing, Michigan
November 9, 2005**

Chairman Ranney called the meeting of the Off-Road Vehicle Trails Advisory Board to order at 6:30 p.m. on Wednesday, November 9, 2005 in Lansing, Michigan.

Members Present:

Mr. Dick Ranney, Chair
Mr. Glenn Moll, Vice Chair
Mr. Jason Dinsmore
Mr. Larry Harrington
Mr. John Bernard
Sheriff Terry Johnson
Mr. Peter Wyckoff

Staff Present:

Mr. Steve Kubisiak, Forest, Mineral and Fire Management (FMFM), Lansing
Mr. Jim Radabaugh, FMFM, Lansing
Mr. Steve DeBrabander, FMFM, Lansing
Mr. Wayne Wheeler, FMFM, Newberry
Ms. Katie Campbell, FMFM, Cadillac
Mr. Bill O'Neill, FMFM, Gaylord
Lieutenant Creig Grey, Law Enforcement Division (LED), Lansing
Mr. Scott Berg, LED, Lansing
Mr. Pete Lundborg, Parks and Recreation Division, Mears
Mr. Jim Wood, Grants Management, Lansing
Ms. Maureen Houghton, Grants Management, Lansing

USDA Forest Service Staff Present:

Ms. Rose Ingram, Huron-Manistee National Forest, Cadillac
Mr. Scott Haas, Huron-Manistee National Forest, Baldwin

Minutes

Acknowledged Minutes of the February 9, and August 10, 2005 ORV Trails Advisory Board Meeting(s).

Mr. Moll made a motion, supported by Mr. Dinsmore, to accept the minutes of the August 10, 2005 Off-Road Vehicle Trails Advisory Board Meeting. Motion unanimously carried.

Mr. Dinsmore made a motion, supported by Mr. Moll, to accept the minutes of the February 9, 2005 Off-Road Vehicle Trails Advisory Board Meeting. Motion unanimously carried.

OLD BUSINESS

New Board Member Update – **Mr. Kubisiak** said he is pleased to announce the Director has filled all of the vacancies on the Off-Road Vehicle Trails Advisory Board. The Board members introduced

themselves: **Mr. Larry Harrington** is an Iron County Commissioner and represents the public at-large. **Sheriff Terry Johnson** is the Antrim County Sheriff and represents Law Enforcement.

Mr. Jason Dinsmore is a Resource Policy Specialist for the Michigan United Conservation Clubs (MUCC) and represents natural resources, conservation and the environment. **Mr. Dick Ranney** is past President and Congressman of the American Motorcyclist Association (AMA) District 14. He is the current Chairman of the ORV Trials Advisory Board. He represents ORV trail users. **Mr. Glenn Moll** is a member of the Cycle Conservation Club (CCC) of Michigan and the Tahquamenon Motorcycle Club in Newberry. He represents ORV trail users. **Mr. John Bernard** is on the Alcona County Parks and Recreation Board. He has been an avid ORV enthusiast since his early teens and represents ORV trail users. **Mr. Pete Wyckoff** is an environmental engineer with Ducks Unlimited's Great Lakes/Atlantic Region. He represents natural resources, conservation and the environment.

ORV Plan Update – **Mr. Jim Radabaugh** reported the public comment period on the draft plan was extended to October 12, 2005, per the request of Mr. Ranney and trail groups. He distributed a summary of the written public comments, prepared by Dr. Nelson. A total of 315 individuals commented. In summary a significant group of people who commented want fewer restrictions on ORV use than the plan recommends, another significant group wants more restrictions than the plan recommends, a smaller group is supportive of the plan as written and an even smaller group focused on issues not related to the plan. He noted four County Road Commission Managers made some very specific suggestions regarding the authority of County Road Commissions to open county roads to ORV use, and noted their support for opening selected county roads for ORV use to connect parts of the designated system and connect ORV users to goods and services.

Mr. Radabaugh reported that the Department of Natural Resources (Department) has accepted the draft plan. The next step will be to take it through an internal review process by the resources divisions to assure there is a holistic Department review and response. The plan will then be provided to the Forest, Mineral and Fire Management Team for review and comment and then to the Statewide Council. Once the plan goes through that process it will go to the Natural Resources Commission (NRC) for information and action. It is anticipated the review process will occur during the first quarter of next year.

Mr. Ranney thanked Mr. Radabaugh and everyone for providing comments on the plan.

ORV Safety Education Workgroup Update – **Mr. Scott Berg** announced that he has been promoted to Recreation Safety Specialist and looks forward to working with the ORV, Snowmobile and Marine Safety Programs. He reported the Workgroup met seven times over the course of the year to review and develop recommendations for the off-road vehicle safety curriculum. A major change was to include motorcycle information similar to Utah's curriculum. The Workgroup recommended updating a trail program video geared toward school aged children. He reviewed grant allocations and instructor training and qualifications. He reviewed Mr. Ranney's proposal to increase the annual ORV license fee from \$16.25 to \$25.50. The breakdown for the use of the funds would be as follows: \$.50 would be allocated to the license vendor, \$3.00 would be allocated to the ORV Safety Education Fund and the remainder would be allocated per the formula prescribed by the Department.

Mr. Berg reported the administrative rules for the Safety Education Program have been repealed and the ORV Safety Program can be administered through Law Enforcement policies and procedures for instructors. Law Enforcement is interested in developing a better ORV crash reporting system as recommended by the Workgroup. Coordination between the Department, Michigan State Police and the CJIS Policy Council would need to occur to address this issue. He reported 2,788 students were trained in calendar year 2004, and 6,826 students have been trained to date in calendar year 2005.

Mr. Ranney thanked Mr. Berg and congratulated him on his new position. He said he is pleased with the progress made on this program and thinks this will be one of the best programs in America.

Forest Certification Update – Mr. Radabaugh provided background and an overview of the forest certification process. He reported the audit teams completed their preliminary audit findings in September including perceived non-conformances with standards, and an initial evaluation regarding overall conformance with the Forest Stewardship Council (FSC) and Sustainable Forestry Initiative (SFI) standards. The FSC and SFI audit team drafted their initial Corrective Action Requests (CARs) for Department review in early October. The Department reviewed and responded to the draft CARs. The final audit recommendations for both forest certification standards will formally be announced by December 31, 2005. More information and updates are available on the web at www.michigan.gov/dnr, search “forest certification”.

Chairman Ranney thanked Mr. Radabaugh.

Gladwin Trail Update – Mr. Bill O'Neill presented a powerpoint presentation of the Gladwin ORV Trail. The existing trail is 41 miles long and has three loops. The north loop 18 miles, middle loop 9 miles and south loop 14 miles. The north and middle loops are currently closed. He reported it is a very popular trail because of its proximity to I-75 and southeast Michigan. He noted the trail is located in an environmentally sensitive area and has an extensive maintenance history. Thirteen boardwalks have been installed between 1998 and 2003; many reroutes have been considered and evaluated. Culverts and trail hardening projects were recently completed on the middle loop and route. He reported the Gladwin Management Unit has prepared a draft assessment that included a multi-disciplinary review by Fisheries, Wildlife, and Forest, Mineral and Fire Management staff. The draft recommendation is to permanently close the north loop and restore damage. Reasons cited include high maintenance costs, soil compaction, best management practice issues, high water table, stream and water course degradation, illegal activity and safety. The draft recommendation for the middle loop is to retain the middle loop and route, increase maintenance activities, close illegal trails, harden trails where needed and construct boardwalks over wet areas. The draft recommendation for the south loop is to retain it, increase grading and mark scramble area boundary.

Mr. O'Neill said the field recommendation has been sent to the District and will be forwarded up the chain of command for consideration and a final decision.

Mr. Ranney said he visited the Gladwin Trail on October 20th. He asked why there were no boundary markers around the scramble area and why the club that graded the middle loop and north loop last summer did not get paid. He noted erosion and stream crossing issues and believes the trail can be rerouted to higher ground. He asked why the middle loop was not fixed sooner and said he is disappointed it has not been a priority to reopen. He encouraged the Department to make the Gladwin Trail a priority.

Mr. Kubisiak said it is possible that some of the environmental issues that Mr. Ranney cited are part of the engineering review and plans that were completed last year. Those projects are on-hold pending a determination as to what will be done with the north loop.

NEW BUSINESS

Minimum Age Requirements – Mr. Kubisiak referred the Board to a letter from Representative Stakoe requesting them to consider a minimum age of twelve (12) for dirt bike operators. The letter was sent on behalf of a constituent whose nine year old son tragically lost his life while riding a dirt bike. **Mr. Kubisiak** reviewed the current law regarding youth operating restrictions and noted motorcycles are considered ORVs under State law and currently do not have any age restrictions.

Mr. Ranney said there are many unknowns. For example, did the child complete an ORV safety certification course? Was the child under the direct visual supervision of an adult? Did the accident occur during an event? Did the accident occur on private land? Discussion ensued.

The Board took the Representatives recommendation under advisement and will send a letter to the Representative to see if answers to the above questions can be provided. This will allow the Board to make a more informed recommendation regarding minimum age restrictions.

ORV Grants – **Mr. Kubisiak** referred the Board to the list of staff recommendations in their packets. He highlighted the review process and noted the recommendations are based on the grant evaluation criteria established for the program. He said the recommendations are being presented to the Board for information and comment, and said he would be happy to address questions. **Mr. Kubisiak** addressed questions from the Board.

Mr. Kubisiak noted that because of the increased appropriation level there is a balance of approximately \$375,000 in maintenance and development funding and \$21,000 in restoration dollars that are not currently earmarked for projects.

Mr. Ranney requested the clubs and the Department to identify potential projects for use of the extra funding. He suggested high use areas that need extra maintenance and equipment as possibilities.

Mr. Ranney thanked Mr. Kubisiak.

ORV Damage Lake County – **Mr. Bill O'Neill** provided photographs of illegal ORV damage in Lake County. He reported that during one weekend in September there were over 21 tickets for illegal ORV operation issued, 45 verbal warnings and 167 public contacts documented. Citations were issued for no ORV stickers, operating in closed areas and roadways, no helmet, open intoxicants, and riding double on a quad. **Mr. O'Neill** compared this to recent enforcement efforts for skinning deer and noted very few contacts were made. He said skinning was once a big problem, but is no longer as big of a problem because the public understands it is illegal and the legal consequences. He said there needs to be a campaign to increase public awareness of ORV laws and that the Department can not do this alone. He said it is the responsibility of the riding organizations and the manufactures to assist with this effort and requested their assistance. More aggressive enforcement and education is needed.

Mr. Ranney said more cooperative education efforts are needed with user groups and manufacturers.

House Bill (HB) 5343 – **Mr. Ranney** reported that HB 5343 was removed from the agenda that was scheduled to go to the House Committee on Conservation, Forestry and Outdoor Recreation on October 27th. He said the bill would change the definition of an ATV to include six-wheeled vehicles with bench seats and change the definition of a forest trail to 60 inches. This would have permitted larger vehicles such as side-by-sides and the 6-wheeled Argos onto motorcycle and ATV Trails.

Mr. Kubisiak said the Department has safety and environmental concerns with the proposed legislation and is opposed.

House Bill 4831 – **Chairman Ranney** reported that HB 4831 was passed and included additional funding for law enforcement and for trail maintenance, restoration and law enforcement grants. He noted this will allow the Department to begin to spend down the balance in the ORV Trail Improvement Fund. He said it also requires the Department to expand the trail system by 25% over the next four years.

Mr. Kubisiak said boiler plate maintains the current statutory formula for the distribution of grants. The grants line was increased by \$982,900. It also requires the Department to submit a plan to the legislature to increase the mileage of ORV trails by 25% over 4 years.

Motorized Trails Director's Orders – Mr. Steve DeBrabander, Unit Manager, State Trails Operation and Construction Unit introduced himself, and explained his role within the unit. He explained that a Director's Order is a tool used to regulate activities on state-owned land under the authority of the Department. He reported a workgroup was established at the request of the Resource Management Deputy to develop a process and criteria to evaluate the need for Director's Orders on motorized trails (e.g. speed limits, times of operation, restrictions on vehicle types, etc). This was prompted by complaints that the Department received on a snowmobile trail in the Upper Peninsula. The Workgroup was made up of internal Department staff, U.S. Forest Service, Sheriff Johnson and the chairs of the Snowmobile Advisory Committee and ORV Trails Advisory Board. He highlighted the process and criteria. The process and criteria has been approved by the Department and will be used to evaluate future requests for Director's Orders on motorized trails.

STAFF REPORTS

Huron Manistee National Forest – Ms. Rose Ingram announced the USDA Forest Service released a final rule for motorized recreation in national forests and grasslands on November 2, 2005. The new rule requires each national forest and grassland to identify and designate those roads, trails and areas that are open to motor vehicle use. She distributed a copy of the press release. A copy of the new rule can be found at www.fs.fed.us.

PUBLIC APPEARANCE

Mr. Bruce Menning, Inkster is in support of more challenging routes and additional use areas for full-sized four wheel drive vehicles. He is opposed to the definition of state forest road as currently defined in state law.

Mr. Chuck Smith, ATV Off-Road Club of Michigan thanked Mr. Ranney and the Workgroup for their efforts to improve the ORV safety education program. He believes hands-on training should be mandatory. He recognized the importance of the Gladwin ORV Trail and its proximity to southern Michigan. He supports the reopening of closed trails.

Mr. R.J. Witte, Cycle Conservation Club (CCC) and Great Lakes Dual Sporters, Rhodes reported Mr. Chapin is no longer Executive Director of the CCC. The CCC Board of Governors will assume Mr. Chapin's responsibilities until a replacement is found. Mr. Witte supports the Gladwin trail and opening of closed trails. He believes the photos used in this evening's powerpoint presentation were taken during the severe spring floods that occurred in 2004 and do not represent current conditions. He believes some of the photos are not part of the trail system. He said that the Great Lakes Dual Sporters have offered assistance to the Gladwin Management Unit and wants to open up communications to explore options to reopen the trail. He believes the trail can be re-routed around Sand Creek eliminating the need for a culvert.

Mr. Bill Chapin, Jackson Trail Riders and Michigan Motorized Recreation Council yielded his time to Mr. Witte.

Mr. Lewis Shuler yielded his time to Mr. Witte.

Mr. Jeremy Valley yielded his time to Mr. Witte.

Mr. Paul Mulder expressed concern with the distribution process used to provide ORV rules to license agents. He believes it is important to have copies of the Handbook of Michigan Off-Road Vehicle Laws available where customers purchase ORV licenses. He believes parents have a

responsibility to supervise and make sure children are properly trained and certified to safely operate off-road vehicles.

Mr. Curt White, Lake Orion referred to House Bill 5343 and said he is in support of widening the ORV trails. He said he has a side-by-side type go-cart that allows him to ride with his son. The vehicle is 56" inches wide which limits operation to designated routes and use areas. He would like more riding opportunity for wider vehicles and spoke about the benefits of side-by-side type off-road vehicles.

Mr. Jeff VanCamp, ATV Off-Road Club of Michigan, Mt. Morris said he has participated in the trail maintenance program and expressed concern with current trail widths. He does not believe some ATV trails meet clearance specifications and that improvements can be made. He noted ATV lengths are increasing and trail work is needed to accommodate the longer vehicles.

Mr. Bill Gilbert, Michigan ATV Safety Association and ATV Off-Road Club of Michigan supports Mr. VanCamp's statements and said manufacturers of ATVs are producing bigger and wider vehicles. He believes width needs to be addressed. He noted the popularity of the Gladwin ORV Trail and supports re-opening the closed trail north of M-61. He does not support the parking lot project at the Mounds ORV Park in Genesee County. He believes the money would be better spent on trail grooming.

Mr. Tom Gallagher, Michigan Recreation Vehicle Riders Association, St. Helen believes the state forest road system could accommodate the needs of wider vehicles and noted the St. Helen to Roscommon ORV Route is complete. He reported the 911 emergency trail sign program in Roscommon County is a success and explained how the system works. He distributed pictures of the Pine Road Culvert project.

Mr. Ernie Brooks, Marine City reported he encountered poor attitudes among Conservation Officers when dealing with ORV riders. He requested guidance be provided to officers to be more courteous during interface with riders. He believes the trails are poorly maintained, wants connector trails, larger parking lots, road identification signs at road/trail intersections, more campgrounds and a riding area in southeast Michigan. He believes violators should pay for damages and restitution. He is opposed to minimum age limits for dirt bike operators. He recommended promotional information about responsible ORV riding be made available at Michigan Welcome Centers.

Mr. Tom Craig, ATV Off-Road Club of Michigan is critical of the ORV maps produced by the Department and believes they need to be updated and improved. He recommended spending some of the fund balance on improving the maps and installing location signs and label crossroads on the trails.

Mr. Moll made a motion to adjourn, supported by Sheriff Johnson. Motion unanimously carried. Meeting adjourned at 10:05 pm.

Public Present:

Dana Smith, ATV Off-Road Club
Chuck Smith, ATV Off-Road Club
Bruce Suydam, ATV Off-Road Club
Lewis Shuler, Cycle Conservation Club (CCC)
R. J. Witte, CCC
Bill Chapin, Jackson Trail Riders
Jeramey Valley, CCC
Sue Thrushman, ATV Off-Road Club
Tom Craig, ATV Off-Road Club

Brad Van Camp, ATV Off-Road Club
Tom Gallagher, MI Recreation Vehicle Riders Assoc. (MRVRA)
Dave Hemmerly, ATV Off-Road Club
Bill Gilbert, MI ATV Safety Assoc., ATV Off-Road Club
Ernie Brooks
Jim Kunath
Dave J. Hohendorf, MRVRA

Steve Rauschen, CCC
Marc D. Smith, ASI
Jeff Van Camp, ATV Off-Road Club
Larry Wood, ATV Off-Road Club
Pat Kinne, GLFWDA
Donald Craig, MMDA

Curt White
Greg Yager, CCC
Kevin Dunach, ATV Off-Road Club
Bruce Manning, MI Trails
Ken Cramer, Canada Creek Ranch
Thomas Dunn